

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

S.B. CIVIL WRIT PETITION NO. 4590/1993
(Smt. Bidami & Ors.. State of Rajasthan & Ors.)

Date of Order : 06/04/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. R.R.Vyas for the petitioners.
Mr. B.L.Tiwari, Dy.G.A. for respondents.

BY THE COURT:-

By the instant writ petition, the petitioners have challenged their illegal termination of services.

The remedy lies before the Industrial Tribunal cum Labour Court since it involves disputed questions of facts in view of the five Judges decision of this Court in Gopi Lal Teli Vs.State of Rajasthan and Ors. RLR 1995 (1) page 1.

Faced with this situation, learned counsel for the petitioners has filed an application being I.A. No.1507/07 and stated that the petitioners No. 1,3,7,8 and 9 have been removed from services in violation of Section 25-F of the Industrial Disputes Act, 1947 (for short 'the ID Act' hereinafter) w.e.f.

31.1.1990 and therefore, submits that instead of relegating the petitioners to the conciliation proceedings and then for approaching the State Government for making reference under Section 10 (1)(c) of the ID Act, the State Government may be directed to make reference to the Industrial Tribunal Cum Labour Court under Section 10 (1)(c) of the ID Act. The other petitioners No.2,4,5,6 and 10 have already been appointed on regular basis and therefore, the petitioners No. 1,3,7,8 and 9 only seek a direction to the State Govt. to make reference under Section 10 (1) (c) of the ID Act since the services of the petitioners have been terminated as stated by the counsel for the petitioner in violation of the provisions of Section 25-F of the ID Act w.e.f. 31.1.1990 and thereafter the petitioners have been litigating before this Court by way of writ petition w.e.f. 6.9.93.

In my view, the time consumed by the petitioners in prosecuting the writ petition will not come in their way in making reference. In this view of the matter, the petitioners are permitted to approach the Appropriate Government for referring the matter to the Industrial Tribunal cum Labour Court under Section 10 (1) (c) of the ID Act and the Appropriate Government is directed to make a reference to the Labour Court. If such a reference is made by the Appropriate Government, the Labour Court shall adjudicate the reference utmost expeditiously

keeping in view the fact that more than 13 years have already been consumed in the litigation may be on account of ill-advice to the petitioners.

With these directions, the writ petition stands disposed of. The application being I.A. No.1507/07 also stands disposed of. There shall be no order as to costs.

(H.R.PANWAR),J.

rp